

REMARKS

Claims 1-10 and 12-21 are in the application. By this Amendment, Applicants amend claims 3, 6-8, 13, and 16-18 to cure the § 112 issues, as recommended by the Examiner, and claim 10 to cure a minor informality. No new subject matter has been entered.

Claims 3, 6-8, 13, and 16-18 are rejected under 35 U.S.C. § 112, first paragraph.

Claims 1-2, 4, 9, 10, 12, 14, and 19-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Steudle (US 2002/0006119) in view of Virtanen (US 2001/0008521).

Claims 5 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Steudle in view of Virtanen, and further in view of Vayanos (US 2003/0026235).

I. Claim Rejections - § 112

Claims 3, 6-8, 13, and 16-18 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Applicants acknowledge with sincere gratitude the personal interview granted by Examiners Bokhari and Yao. It is Applicants' understanding that **claims 3, 6-8, 13, and 16-18**, as amended, overcome this ground of rejection and that the amendment would be entered.

It is respectfully requested this ground of rejection of **claims 3, 6-8, 13, and 16-18** be withdrawn. It is further submitted that **claims 3, 6-8, 13, and 16-18** are patentable at least by virtue of their dependencies.

II. Claim Rejections - § 103

Claims 1-2, 4, 9, 10, 12, 14, and 19-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Steudle (US 2002/0006119) in view of Virtanen (US 2001/0008521).

Claim 1 recites among other elements: "choosing a compressed mode configuration from a set of reference compressed mode configurations."

1. Steudle does not teach or suggest choosing a compressed mode configuration from a set of reference compressed mode configurations

The Examiner asserts that **Steudle** teaches "selecting the compressed mode from different several alternatives" in paragraph 13. (*See* Office Action, page 4). However, in this

portion, Steudle recites “selecting the manner of generating a measurement gap from several different alternatives.” (Paragraph 13). Steudle further teaches that the measurement gaps in different time-slots are generated with different gap generation methods. (Paragraph 14; *see also* paragraphs 41-44 and Abstract). Therefore, the cited portions of Steudle teach selecting a gap generation method. The cited portions of Steudle do not teach or suggest selecting a compressed mode configuration. Nor do the cited portions teach or suggest selecting the compressed mode from a set of reference compressed mode configurations. Absent such support, the Examiner’s reliance on Steudle does not support the rejection.

2. *Virtanen does not teach or suggest two transmission gaps, which occur at two positions, overlap, with an overlap length greater than the time necessary to effect a measurement*

The Examiner cites to two different embodiments of Virtanen to support the rejection. However, it is well settled that the different embodiments cannot be combined to support the rejection without requisite motivation.

In first embodiment, **Virtanen** describes repeating a certain transmission period with three gaps. (Paragraph 53; Fig. 3). In second embodiment, there are two transmission gaps within a transmission period. The longer transmission gap is overlapping two frames. (Paragraph 54; Fig. 4).

To the extent Virtanen teaches “overlapping,” it is the two adjacent frames that are overlapped by a single transmission gap. To the contrary, claim 1 recites “two transmission gaps to occur at two of said positions, the closest together, overlap.”

Therefore, even a combination of Steudle and Virtanen lacks “for each reference configuration,... TGL is made sufficiently large so that two transmission gaps to occur at two of said positions, overlap, with an overlap length greater than the time necessary to effect a measurement.”

Because neither Steudle, nor Virtanen, taken singularly or in combination, teaches or suggests at least “choosing a compressed mode configuration from a set of reference compressed mode configurations,...[wherein] for each reference configuration,... TGL is made sufficiently large so that two transmission gaps to occur at two of said positions, overlap, with an

overlap length greater than the time necessary to effect a measurement,” **claim 1 and dependent claims 2, 4, 9, and 20** distinguish patentably and unobviously over Steudle and Virtanen.

Claim 10 recites features similar to, although not necessarily coextensive with, the features argued above with respect to claim 1. Therefore, arguments presented with respect to claim 1 apply with equal force here. For at least substantially analogous exemplary reasons, therefore, **claim 10 and dependent claims 12, 14, 19, and 21** distinguish patentably and unobviously over Steudle and Virtanen, taken singularly or in combination.

Claims 5 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Steudle in view of Virtanen, and further in view of Vayanos (US 2003/0026235).

Claim 5 indirectly depends on claim 1. Applicants have already demonstrated that Steudle and Virtanen do not meet all of the elements of claim 1. Vayanos does not compensate for the deficiencies of these references. Together, the combined teachings of these references would not have (and could not have) led the artisan of ordinary skill to have achieved the subject matter of claim 1. Therefore, **claim 5** distinguishes patentably and unobviously over Steudle, Virtanen and Vayanos, taken singularly or in combination, at least by virtue of its dependency.

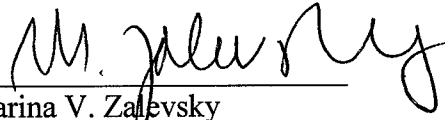
Claim 15 indirectly depends on claim 10. Applicants have already demonstrated that Steudle and Virtanen do not meet all of the elements of claim 10. Vayanos does not compensate for the deficiencies of these references. Together, the combined teachings of these references would not have (and could not have) led the artisan of ordinary skill to have achieved the subject matter of claim 1. Therefore, **claim 15** distinguishes patentably and unobviously over Steudle, Virtanen and Vayanos, taken singularly or in combination, at least by virtue of its dependency.

CONCLUSION

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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